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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,552	01/31/2001	Richard Dudley Baertsch	RD-27,948	3209

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GENERAL ELECTRIC COMPANY
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PATENT DOCKET RM. 4A59
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EXAMINER

AZARIAN, SEYED H

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 11/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,552

Applicant(s)

BAERTSCH ET AL.

Examiner

Seyed Azarian

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-23, 25-34, 36-42 and 44-47 is/are rejected.
- 7) ☒ Claim(s) 8, 24, 35 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-47, rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34, of U.S. Patent No. 6,470,071. Although the conflicting claims are not identical, they are not patentably distinct from each other because they set forth subject matters, which are obvious over each other.

As an example consider claims 1 and 12, of current application, compared to claim 1, of patent application, it disclose the detector framing node, receiving image data and communicating the received data to said host computer (column 85, lines 59-67). And claim 3 of current application compare to claim 22, refer to an image detecting system including a flat panel detector to detect (column 87, lines 33-49). Also claim 8, 24 and 36, compare to claim 13, of Patten application it disclose at least 1024 x 1024 array of 16 bit words (column 86, lines 52-59).

Finally claim 37 of current application compare to claim 15 of patent application, discloses rate of at least 33MHz (column 86, lines 60-63). Also the other claims of current application have similar correspondence to the claims of copending application.

Claim Rejections - 35 USC § 103

3. Following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-23, 25-34, 36-42 and 44-47, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy et al (U.S. patent 6,055,295) in view of Polichar et al (U.S. patent 6,205,199).

Regarding claim 1, Murthy discloses a detector framing node receiving image data and communicating a portion of the image data to a host computer, comprising:

an image detection interface to receive image data in the form of at least one image frame having a predetermined size (column 1, line 64 through column 2, lines 4, receiving the images at an imaging station and location of body region (refer to image frame having predetermine size) in one of the images is then automatically detected);

a control unit to select a predetermined portion of the image data for storage and a memory unit to store the predetermined portion in response to tile selection by said control unit (column 3, lines 8-20, X-ray beam can be recorded by recording media 28).

However Murthy is silent about “communication and host computer”. On the other hand Polichar teaches video signal from image synchronized with the digitizer of the image processor via serial communications port and host memory (column 12, lines 32-49)).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Murthy invention according to the teaching of Polichar because it provides as computer network such that an image processor may receive the digitized pixels via as network server for connection to the communication link which can easily be implements in an image device for better result and accuracy.

Regarding claim 2, Murthy discloses the detector framing node according to claim 1, wherein the rate of communication between said image detection interface and said memory unit is greater than or equal to the rate of reception of the image data by said image detection interface (Fig. 7 column 6, line 66 through column 7, line 6, displaying graphical user interface).

Regarding claim 3, Murthy discloses the detector framing node according to claim 1, wherein said control unit is programmable to receive the image data from a selected flat panel detector of a plurality of different flat panel detectors (Fig. 1, element 26 image intensifier).

Regarding claim 6, Murthy fails to disclose “amorphous silicon”. On the other hand Polichar teaches (Fig. 6, column 5, lines 25-27, flat panel amorphous silicon X-ray sensor of the Fig. 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Murthy invention according to the teaching of Polichar because it is conventional technique that provides electrical signal and detect the radiation from the scintillation screen to generate spatial intensity pattern to achieve quality and desirable image.

Regarding claim 11, Murthy discloses the detector interface receives the real time data (column 3, lines 45-57, comparison with segmentation of body parts).

Regarding claim 12, Murthy discloses the detector framing node according to claim 1, wherein the detector framing node is a PC I card and host Computer runs a non-real time operating system (column 6, lines 13-26, refer to CART analyzing, based on a portion of the training set).

Regarding claim 16, Murthy discloses the system according to claim 15, further comprising, a detector control unit to control communication of the image data between said image detection interface and said detector memory unit independently from the host operating system (Fig. 7 column 6, line 66 through column 7, line 6, displaying graphical user interface).

Regarding claim 19, Murthy discloses the system according to claim 15, wherein the image data is received by said image detection interface as an image frame, and the detector memory unit stores a predetermined portion of the image frame (column 6, lines 13-26, feature evaluation and based on a portion of the training set).

Regarding claims 5, 7, 17-18, 20, 23, 25-27 and 44-47, the arguments analogous to those presented for claims 1, 2 and 3, are applicable.

Regarding claims 4, 9-10, 13-15, 21-22, 28-34 and 36-42, the arguments analogous to those presented for claims 1, 11 and 12 are applicable.

Allowable Subject Matter

5. Claims 8, 24, 35 and 43, are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (5,262,649) to Antonuk et al is cited for thin-film, flat panel, pixilated detector array for real-time digital imaging and dosimetry of ionizing radiation.

U.S. patent (4,672,454) to Cannella et al is cited for X-ray image scanner and method.

U.S. patent (4,996,413) to McDaniel et al is cited for apparatus and method for reading data from an image detector.

U.S. patent (6,243,441) to Zur is cited for active matrix detector for X-ray imaging.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907.

Art Unit: 2625

The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

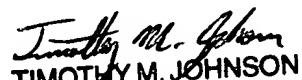
Or faxed to:

(703) 872-9306, ("draft" or "informal" communications should be clearly labeled to expedite delivery to examiner).

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to T.C. customer service office whose telephone number is (703) 306-0377.

Seyed Azarian
Patent Examiner
Group Art Unit 2625
October. 28, 2002


TIMOTHY M. JOHNSON
PRIMARY EXAMINER